

SB-438- Juneau

EXHIBIT 1
DATE 3-9-09
438
389 Liquor Control
Div.

Info is From Dept. of Revenue,

Alcohol Energy Drinks

- ❑ Alcohol energy drinks have been introduced into the market. These products very much look like the non-alcoholic energy drink such as --Full Throttle, Monster Energy and Rockstar; however, they contain malt beverages.
- ❑ Non-alcoholic energy drinks constitute a rapidly growing segment of the beverage market. These beverages are particularly popular with teens and young adults.
- ❑ The alcohol energy drinks are considered "beer" under Montana laws and are distributed by beer wholesalers.
- ❑ Marketing campaigns claim such beverages increase a person's stamina but do not mention the potentially adverse consequences of mixing caffeine or other stimulants with alcohol.
- ❑ Adding caffeine to alcohol may increase risk to young consumers because those additives tend to reduce the perception of intoxication and make greater quantities of alcohol palatable.

Concerns with Alcohol Energy Drinks

- ❑ Blurred Distinction – The alcohol energy drinks are not easily distinguishable from the non-alcoholic products. Plus the labels and packages do not readily identify that the product contains alcohol.
- ❑ Location – These products are located in grocery stores and convenient stores in some cases less then three feet away from non-alcoholic energy drinks. As a result customers and sales clerks could be confused on what they are purchasing or selling.
- ❑ Advertising – target youth with non-traditional forms of advertising such as Myspace and Facebook.

Slogans include "You Can Go Home Early When You're Married",
"You Can Sleep When You're 30", "Who's up for staying out all night"

Excerpts from News Article

"New Alcoholic Energy Drink Attacked By States" EMILY FREDRIX September 17, 2008 06:41 PM EST | 

MILWAUKEE — Twenty-five states asked beverage maker MillerCoors LLC on Wednesday to abandon plans for a new caffeine-infused alcoholic energy drink.

Connecticut Attorney General Richard Blumenthal said in a statement that the Sparks Red drink is a "recipe for disaster" because adding caffeine to alcoholic beverages reduces drinkers' sense of intoxication.

Blumenthal, New York Attorney General Andrew Cuomo and the other attorneys general say young drinkers are especially vulnerable because of their limited judgment and risky behaviors in driving and other activities....

Attorneys general and advocacy groups have long been targeting Miller Coors, They say these drinks are targeting teenagers and young drinkers who are already drawn to highly caffeinated drinks like Red Bull.

On Wednesday, the latest group, which also includes California, Ohio, Illinois and Vermont, sent MillerCoors Chief Executive Leo Kiely a letter asking the brewer to stop its plans for Sparks Red.

"MillerCoors' decision to introduce Sparks Red defies increasing undeniable evidence from medical and public health professionals about the dangers of mixing alcohol with stimulants found in energy drinks," the letter said.

SB438 Juneau

Carol Juneau

From: "Barbara Schneeman" <Barbara.Sch@riverstonehealth.org>
To: "Dan McGee" <danmcgee@180com.net>; "Gary Branae" <garybranae@gmail.com>; "Jeff Essmann" <JEFF@JEFFESSMANN.COM>; "Kelly Gebhardt" <gebby@midrivers.com>; "Kim Gillan" <Glonky@aol.com>; "Lynda Moss" <lyndamoss@imt.net>; "Roy Brown" <brown.roy@bresnan.net>; "Sharon Stewart-Peregoy" <sharon_peregoy@hotmail.com>; "Taylor Brown" <taylor@northernbroadcasting.com>
Cc: <csjuneau@3rivers.net>
Sent: Monday, February 23, 2009 12:46 PM
Subject: Support 438- regulate sale of alcoholic energy drinks

Dear Yellowstone County Area Members of the Senate:

On behalf of RiverStone Health, Yellowstone County's public health organization, I urge your support for SB 438 - Regulating Sales of Alcoholic Energy Drinks. This is an important public health measure that will help curb under-age drinking. As it stands today, many of these energy drinks contain as much or more alcohol by volume than a can of beer and are available for sale to anyone, including minors.

These energy drinks are an easy and legal means of introducing minors to alcohol. A report released by the US Surgeon General's office shows that young people who start drinking before the age of 15 are five times more likely to have alcohol-related problems later in life. New research also indicates that alcohol may harm the developing adolescent brain. The availability of this research provides more reasons than ever before to protect the health and safety of Montana's children.

In addition, a recent report by the Marin Institute, an alcohol industry watchdog organization, indicates that while there are limited research studies detailing the health risks of mixing caffeine and alcohol (as is done to make these energy drinks), the studies that have been conducted give rise to concern. Caffeine masks intoxicating effects of alcohol which could lead to increased risk-taking. Youth are more apt than adults to take risks and to suffer high rates of alcohol problems, including alcohol-related traffic accidents, violence, sexual assaults and suicide.

For the health and safety of Montana's youth, I urge your support of SB 438 and thank Senator Juneau for bringing this bill forward.

Barbara Schneeman | Director

Communication & Advocacy

RiverStone Health

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Fax: 406.247.3200

Barbara.Sch@riverstonehealth.org

www.riverstonehealth.org

The Yellowstone City-County Health Department has changed our name to RiverStone Health. We've only changed our name, not our commitment to providing you with the highest quality service you have come to know and rely upon. Please take a moment to update your contact information to reflect our new name and mailing address - RiverStone Health, 123 South 27th Street, Billings, MT 59101-4200. See us on the web at <http://www.riverstonehealth.org/>.

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2/23/2009

Internet Message

Message # 30559

SB438 - Juneau

Message taken: 2/23/2009 10:12:35 AM

Sender **Dale Bickell**
200 W Broadway
Missoula, MT 59802

Phone 406-258-4229

Fax --

Vote **For SB 438****Senate**Legislator**SEN. CAROL JUNEAU**Seat No. **20**E-mail dbickell@co.missoula.mt.us

Senator Juneau,

Missoula County supports Senate Bill 438 - regulate sale of alcoholic energy drinks and thanks you for carrying the bill. Missoula County strongly favors this effort to restrict the sale of these beverages. Currently, these deceptive products are being sold across the state, are being purchased by kids and the combination of caffeine and alcohol can be deadly. Please support SB 438.

Respectfully,

Dale Bickell, Chief Administrative Officer on behalf of the Missoula Board of County Commissioners

SB438-Juneau

February 9, 2009

Montana Legislative Senator Mrs. Carol Juneau

Re: Letter of support for legislative bill LC0614: Regulating sale of alcoholic beverage drinks that contain high energy drinks with them. Also to ban high energy drinks to Montana youth under the age of 18 years.

I am writing to give my full support of legislative Bill LC0614 that revises the definition of Liquor to include caffeinated or stimulant-enhanced Malt Beverages and amending Section 16-1-106, MCA.

Sincerely

Wayne Smith

A handwritten signature in black ink, appearing to read "Wayne Smith", is written over the printed name.

March 8, 2009

Phone: (210) 567-6592

Fax: (210) 567-1136

To: Senator Carol C. Juneau
PO Box 55
BROWNING, MT 59417-0055

Dear Senator Juneau:

I am writing in support of Senate Bill SB 438 sponsored by you. As a part-time resident of Montana, I maintain close connections with friends on several Indian Reservations in Montana and am acutely aware of the detrimental effect of liquor sales to minors on and off reservations. Easy accessibility of alcoholic beverages through 7/11 and other convenience store outlets endangers our children who often lack the knowledge to distinguish among beverages containing alcohol and those that do not because of deceptive and misleading labeling practices by the beverage industry. Having spent a 15 year career in a Health Science Center, I am very much aware of the serious health effects and social consequences caused by the consumption of alcohol, especially by minors. I feel that your bill is a good step in the right direction and hope that your efforts succeed in better regulating alcoholic beverage sales from convenience stores.

Respectfully,



Borries Demeler, Ph.D.

Associate Professor

Director, Center for Analytical Ultracentrifugation and Light Scattering

Director, Bioinformatics Core Facility

Carol Juneau

From: "Michael DesRosier" <mjdesr@yahoo.com>
To: "shannon augare" <shannonjaugare@aol.com>
Cc: "carol juneau" <csjuneau@3rivers.net>
Sent: Monday, March 09, 2009 9:42 AM
Subject: SB 458

Shannon;
please forward our letter of support for SB 458 to the rest of the committee.

The Glacier County Commissioners are in full support of SB 458.

Glacier County is working very hard with a number of grants that support programs addressing the problems we have in Glacier County and throughout Montana relating to alcohol abuse, such as the DUI task force, binge drinking, underage and youth drinking. We see the energy drinks that are sold in grocery and convenience stores as compounding the problems that already exist in the flow of alcohol to minors.

The similarity between energy drinks containing alcohol and plain energy drinks makes it very hard for not only store clerks but also for parents, teachers, and law enforcement to tell just what might be in one of the popular energy drinks. A Glacier County Commissioner that owns a convenience store states that He has trouble telling the difference between the two.

We feel that selling alcohol with the additives that are known as energy drinks should be made available ONLY through liquor stores and bars and we hope you will PASS THIS BILL SB 458. thank you, Glacier County Commissioners.